Simon v. Adzilla, Inc [New Media] et al
Doc. 173 Att. 4

EXHIBIT 5

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Scott R. Mosko (State Bar No. 106070)
FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.
Stanford Research Park
700 Hansen Way
Palo Alto, California 94304
Telephone: (650) 849-6600
Facsimile: (650) 849-6666

Attorneys for Defendants
Connectu LLC, Cameron Winklevoss,
Tyler Winklevoss, Howard Winklevoss,
and Divya Narendra

SUPERIOR COURT OF THE STATE OF CALIFORNIA

COUNTY OF SANTA CLARA

THE FACEBOOK, INC. Plaintiff, v. CONNECTU LLC, CAMERON WINKLEVOSS, TYLER WINKLEVOSS, HOWARD WINKLEVOSS, DIVYA NARENDRA, AND DOES 1-25, Defendants.	CASE NO. 105 CV 047381 **RESPONSE OF DEFENDANT DIVYA NARENDRA TO FORM INTERROGATORIES**

PROPOUNDING PARTY: **Plaintiff THEFACEBOOK, INC.**

RESPONDING PARTY: **Defendant DIVYA NARENDRA**

SET NO.: **ONE (1)**

TO PLAINTIFF AND ITS ATTORNEYS OF RECORD:

The above-named party hereby responds, pursuant to California Code of Civil Procedure Section 2030, to the form interrogatories as follows:

PREFATORY STATEMENT

It should be noted that this responding party has not fully completed its investigation of the facts relating to this case, has not completed discovery, and has not completed its preparation for trial.

All of the responses contained herein are based only upon such information and documents as are presently available to and specifically known to this responding party and disclose only those contentions which presently occur to such responding party.

It is anticipated that further discovery, independent investigation, legal research, and analysis will supply additional facts and add meaning to known facts, as well as establish entirely new factual conclusions and legal contentions, all of which may lead to substantial additions to, changes in, and variations from the contentions herein set forth.

The following responses are given without prejudice to responding party's right to produce evidence of any subsequently discovery fact or facts which this responding party may later recall. Responding party accordingly reserves the right to change any and all answers herein as additional facts are ascertained, analyses are made, legal research is completed, and contentions are made. The responses contained herein are made in a good faith effort to supply as much factual information and as much specification of legal contentions as are presently known, but should in no way be to the prejudice of this responding party in relation to further discovery, research, or analysis.

RESPONSE TO FORM INTERROGATORIES

Response to 1.1

I was the only person who prepared the responses to these interrogatories.

Response to 2.1

Divya Narendra

Response to 2.2

Bronx, New York

Response to 2.3

Not applicable as there was no "unauthorized access of the Facebook's data."

Response to 2.4

Not applicable as there was no "unauthorized access of the Facebook's data."

Response to 2.5

(a) 16 Park Avenue, Apt 15D, New York, NY 10016

(b) and (c)

In or about 2001-through in or about 2004: Pforzheimer House, 56 Linnean Street
Cambridge, MA 02138

or

16 Park Avenue, Apt 15D
New York, NY 10016

In or about 2000-through in or about 2001: Holworthy Hall, Harvard Yard,
Cambridge, MA 02138

Response to 2.6

(a) Not applicable as there was no "unauthorized access of the Facebook's data."

Response to 2.7

1996-2000: High School Diploma: Townsend High School, 149-11 Melbourne Avenue
Flushing, NY 11367

2000-2004: B.A. Applied Mathematics: Harvard University, Cambridge MA 02138

Response to 2.8

No.

Response to 2.11

Not applicable as there was no "unauthorized access of the Facebook's data."

Response to 2.12

Not applicable as there was no "unauthorized access of the Facebook's data."

Response to 3.1

No

Response to 3.2

No

Response to 3.3

No

Response to 3.4

No

Response to 3.5

No

Response to 3.6

No

Response to 3.7

No

Response to 4.1

Not applicable as there was no "unauthorized access of the Facebook's data."

Response to 4.2

Not applicable as there was no "unauthorized access of the Facebook's data."

Response to 8.2

Not applicable as there was no "unauthorized access of the Facebook's data."

Response to 8.3

Not applicable as there was no "unauthorized access of the Facebook's data."

Response to 8.4

Not applicable as there was no "unauthorized access of the Facebook's data."

Response to 11.1

Not applicable as there was no "unauthorized access of the Facebook's data."

Response to 12.1

Not applicable as there was no "unauthorized access of the Facebook's data."

Response to 12.2

Not applicable as there was no "unauthorized access of the Facebook's data."

Response to 12.3

Not applicable as there was no "unauthorized access of the Facebook's data."

Response to 12.4

Not applicable as there was no "unauthorized access of the Facebook's data."

Response to 12.5

Not applicable as there was no "unauthorized access of the Facebook's data."

Response to 12.6

Not applicable as there was no "unauthorized access of the Facebook's data."

Response to 12.7

Not applicable as there was no "unauthorized access of the Facebook's data."

Response to 13.1

Not applicable as there was no "unauthorized access of the Facebook's data."

Response to 13.2

Not applicable as there was no "unauthorized access of the Facebook's data."

Response to 15.1

No applicable. A demurrer and motion to quash was filed.

Response to 16.1

Not applicable as there was no "unauthorized access of the Facebook's data." See ConnectU's demurrer, filed on October 25, 2005.

Response to 16.2

Not applicable as there was no "unauthorized access of the Facebook's data." See ConnectU's demurrer, filed on October 25, 2005.

Response to 16.3

Not applicable as there was no "unauthorized access of the Facebook's data."

Response to 16.6

Not applicable as there was no "unauthorized access of the Facebook's data."

Response to 16.7

Not applicable as there was no "unauthorized access of the Facebook's data."

Response to 16.8

Responding party does not understand Plaintiff is claiming property damage.

Response to 16.9

Not applicable as there was no "unauthorized access of the Facebook's data."

Response to 17.1

Regarding Request No. 1, Responding Party states he does not have a FACEBOOK individual member ID.

Regarding Request No. 2, Responding Party visited FACEBOOK's website only in his capacity as a member of ConnectU. See ConnectU's Response to Request No. 2 and its Response to Interrogatory No. 17.1 as it concerns Request For Admissions, No. 2.

Regarding Request No. 3, Responding Party visited FACEBOOK's website only in his capacity as a member of ConnectU. See ConnectU's Response to Request No. 3 and its Response to Interrogatory No. 17.1 as it concerns Request For Admissions, No. 3.

Regarding Request No. 4, Responding Party visited FACEBOOK's website only in his capacity as a member of ConnectU. See ConnectU's Response to Request No. 4.

Regarding Request No. 5, Responding Party visited FACEBOOK's website only in his capacity as a member of ConnectU. See ConnectU's Response to Request No. 5.

Regarding Request No. 6, Responding Party visited FACEBOOK's website only in his capacity as a member of ConnectU. See ConnectU's Response to Request No. 6 and its Response to Interrogatory No. 17.1 as it concerns Request For Admissions, No. 6.

Regarding Request No. 7, Responding Party visited FACEBOOK's website only in his capacity as a member of ConnectU. See ConnectU's Response to Request No. 7.

Regarding Request No. 8, Responding Party activities regarding FACEBOOK's website were done only in his capacity as a member of ConnectU. See ConnectU's Response to Request No. 8 and its Response to Interrogatory No. 17.1 as it concerns Request For Admissions, No. 8.

Regarding Request No. 9, Responding Party activities regarding FACEBOOK's website were done only in his capacity as a member of ConnectU.. See ConnectU's Response to Request No. 9 and its Response to Interrogatory No. 17.1 as it concerns Request For Admissions, No. 9.

Regarding Request No. 10, Responding Party activities regarding FACEBOOK's website were done only in his capacity as a member of ConnectU. See ConnectU's Response to Request No. 10 and its Response to Interrogatory No. 17.1 as it concerns Request For Admissions, No. 10.

Regarding Request No. 11, Responding Party activities regarding FACEBOOK's website were done only in his capacity as a member of ConnectU. See ConnectU's Response to Request No. 11 and its Response to Interrogatory No. 17.1 as it concerns Request For Admissions, No. 11.

Regarding Request No. 12, Responding Party activities regarding FACEBOOK's website were done only in his capacity as a member of ConnectU. See ConnectU's Response to Request No. 12 and its Response to Interrogatory No. 17.1 as it concerns Request For Admissions, No. 12.

Regarding Request No. 13, Responding Party activities regarding FACEBOOK's website were done only in his capacity as a member of ConnectU. See ConnectU's Response to Request No. 13 and its Response to Interrogatory No. 17.1 as it concerns Request For Admissions, No. 13.

Regarding Request No. 14, Responding Party activities regarding FACEBOOK's website were done only in his capacity as a member of ConnectU. See ConnectU's Response to Request No. 14 and its Response to Interrogatory No. 17.1 as it concerns Request For Admissions, No. 14.

Regarding Request No. 15, Responding Party visited FACEBOOK's website only in his capacity as a member of ConnectU. See ConnectU's Response to Request No. 15 and its Response to Interrogatory No. 17.1 as it concerns Request For Admissions, No. 15.

Regarding Request No. 16, Responding Party visited FACEBOOK's website only in his capacity as a member of ConnectU. See ConnectU's Response to Request No. 16.

Regarding Request No. 17, Responding Party visited FACEBOOK's website only in his capacity as a member of ConnectU. See ConnectU's Response to Request No. 17 and its Response to Interrogatory No. 17.1 as it concerns Request For Admissions, No. 17.

Regarding Request No. 18, Responding Party visited FACEBOOK's website only in his capacity as a member of ConnectU. See ConnectU's Response to Request No. 18 and its Response to Interrogatory No. 17.1 as it concerns Request For Admissions, No. 18.

Regarding Request No. 19, Responding Party visited FACEBOOK's website only in his capacity as a member of ConnectU. See ConnectU's Response to Request No. 19 and its Response to Interrogatory No. 17.1 as it concerns Request For Admissions, No. 19.

Regarding Request No. 20, Responding Party visited FACEBOOK's website only in his capacity as a member of ConnectU. See ConnectU's Response to Request No. 20 and its Response to Interrogatory No. 17.1 as it concerns Request For Admissions, No. 20.

Regarding Request No. 21, Responding Party visited FACEBOOK's website only in his capacity as a member of ConnectU. See ConnectU's Response to Request No. 21 and its Response to Interrogatory No. 17.1 as it concerns Request For Admissions, No. 21.

Regarding Request No. 22, Responding Party activities regarding FACEBOOK's website were done only in his capacity as a member of ConnectU. See ConnectU's Response to Request No. 22.

Regarding Request No. 23, Responding Party activities regarding FACEBOOK's website were done only in his capacity as a member of ConnectU. See ConnectU's Response to Request No. 23 and its Response to Interrogatory No. 17.1 as it concerns Request For Admissions, No. 23.

Regarding Request No. 24, Responding Party activities regarding FACEBOOK's website were done only in his capacity as a member of ConnectU. See ConnectU's Response to Request No. 24 and its Response to Interrogatory No. 17.1 as it concerns Request For Admissions, No. 24.

Regarding Request No. 25, Responding Party activities regarding FACEBOOK's website were done only in his capacity as a member of ConnectU. See ConnectU's Response to Request No. 25 and its Response to Interrogatory No. 17.1 as it concerns Request For Admissions, No. 25.

Response to 50.3

Responding party does not understand that there is an agreement alleged in the Plaintiff's complaint.

Response to 50.4

Responding party does not understand that there is an agreement alleged in the Plaintiff's complaint.

Response to 50.5

Responding party does not understand that there is an agreement alleged in the Plaintiff's complaint.

Response to 50.6

Responding party does not understand that there is an agreement alleged in the Plaintiff's complaint.

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VERIFICATION

DIVYA NARENDRA, under penalty of perjury under the laws of the State of California, states as follows:

1. That he is one of the Defendants in the above-entitled action;

2. That he has read the foregoing RESPONSE OF DIVYA NARENDRA TO FORM INTERROGATORIES and knows the contents thereof, and that the same is true of his own knowledge, save and except as to the matters which are therein stated on his information or belief, and as to those matters, he believes it to be true.

Executed on the __31__ day of October, 2005, at _NY,NY_______________.

Divya Narendra

Scott R. Mosko (State Bar No. 106070)
FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.
Stanford Research Park
700 Hansen Way
Palo Alto, California 94304
Telephone: (650) 849-6600
Facsimile: (650) 849-6666

Attorneys for Defendants
Cameron Winklevoss, Tyler
Winklevoss, Howard Winklevoss,
and Divya Narendra

SUPERIOR COURT OF THE STATE OF CALIFORNIA

COUNTY OF SANTA CLARA

THE FACEBOOK, INC. Plaintiff, v. CONNECTU LLC, CAMERON WINKLEVOSS, TYLER WINKLEVOSS, HOWARD WINKLEVOSS, DIVYA NARENDRA, AND DOES 1-25, Defendants.	CASE NO. 105 CV 047381 **CERTIFICATE OF SERVICE**

CERTIFICATE OF SERVICE

I am a citizen of the United States, over the age of 18 years, and not a party to this action. My place of employment and business address is 700 Hansen Way, Palo Alto, California 94304-1016. On October 31, 2005, I caused a copy of the attached;

- **RESPONSE OF DEFENDANT CAMERON WINKLEVOSS TO FIRST SET OF REQUESTS FOR ADMISSION**
- **RESPONSE OF DEFENDANT DIVYA NARENDRA TO FIRST SET OF REQUESTS FOR ADMISSION**
- **RESPONSE OF DEFENDANT CONNECTU LLC TO FIRST SET OF REQUESTS FOR ADMISSION**
- **RESPONSE OF DEFENDANT TYLER WINKLEVOSS TO FIRST SET OF REQUESTS FOR ADMISSION**
- **RESPONSE OF DEFENDANT HOWARD WINKLEVOSS TO FIRST SET OF REQUESTS FOR ADMISSION**
- **RESPONSE OF DEFENDANT CAMERON WINKLEVOSS TO FORM INTERROGATORIES**
- **RESPONSE OF DEFENDANT DIVYA NARENDRA TO FORM INTERROGATORIES**
- **RESPONSE OF DEFENDANT CONNECTU LLC TO FORM INTERROGATORIES**
- **RESPONSE OF DEFENDANT TYLER WINKLEVOSS TO FORM INTERROGATORIES**
- **RESPONSE OF DEFENDANT HOWARD WINKLEVOSS TO FORM INTERROGATORIES**

to be served on all parties as follows:

Attorneys for Plaintiff
Joshua H. Walker, Esq.
Monty Cooper, Esq.
ORRICK, HERRINGTON & SUTCLIFFE LLP
1000 March Road
Menlo Park, CA 94025
Telephone: 650.614.7400
Facsimile: 650.614.7401

☐ Via First Class Mail
☐ Via Hand Delivery
☐ Via Overnight Courier
☒ Via Facsimile

I am readily familiar with my firm's practice for collection and processing of documents by facsimile transmission. I faxed the above documents to the listed facsimile number at our business offices on October 31, 2005 following ordinary business practice.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct, that I am employed in the office of a member of the bar of this court at whose direction the service was made, and that this declaration was executed on October 31, 2005 at Palo Alto, California.

Dawn Salazar